

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SASC, LLC,	:	Case No. 3:23-CV-00083
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
SCHOOL SUPPLY CONNECTION,	:	
INC. ET AL.,	:	
	:	
Defendant.	:	

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**ORDER**

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On April 3, 2023, the Court issued an Order of Possession directing the United States Marshal to seize certain Books from Defendant SSC and deliver them to Plaintiff SASC. (ECF No. 9.) That Order was issued under Fed. R. Civ. P. 64 and Ohio's replevin statute, Ohio Rev. Code Ch. 2737. Accordingly, pursuant to Ohio Rev. Code § 2737.10, that Order, by its own terms, would come into effect only upon the filing by Plaintiff of a bond to Defendant in the amount of Three Million Dollars (\$3,000,000.00).

Defendants have now filed a waiver of that bond. (ECF No. 12.) Upon consideration, the Court accepts and approves that waiver. *Compare, e.g., Williamson v. Recovery Ltd. P'ship*, 731 F.3d 608 (6th Cir. 2013) (approving in dicta of the District Court's order setting a nominal bond for a prejudgment order of attachment under Ohio law).

Accordingly, the Court's April 3, 2023 Order of Possession (ECF No. 9) is hereby **MODIFIED** so as to waive the condition that it come into effect only upon Plaintiff's

filing of a bond. That Order is therefore effective immediately. The United States Marshal is directed to proceed as otherwise set forth therein, and a certified copy of the present Order shall constitute authority for the Marshal to do so.

**IT IS SO ORDERED.**

/s/ Caroline H. Gentry  
Caroline H. Gentry  
United States Magistrate Judge

Pursuant to Fed. R. Civ. P. 72(a), any party may serve and file specific, written objections within FOURTEEN days after being served with this Order. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to SEVENTEEN days if this Order is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), or (F). Such objections shall specify the portions of the Order objected to and shall be accompanied by a memorandum of law in support of the objections. If the Order is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within FOURTEEN days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).